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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING  
REGARDING SECOND OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED IN  
PART UPON INVESTMENT IN THE  
CHARLEVOIX HOMES; AND  
CERTIFICATE OF SERVICE**

Date of Hearing: September 23, 2010  
Time of Hearing: 10:30 a.m.  
Estimated Time for hearing: 10 min.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM AGAINST USACM TO THE EXTENT IT IS BASED IN PART UPON AN  
INVESTMENT IN THE CHARLEVOIX HOMES LOAN. THIS OBJECTION**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 WILL NOT AFFECT YOUR RIGHTS AGAINST THE BORROWER AND ANY  
2 COLLATERAL THAT SECURED YOUR INVESTMENT. THE USACM TRUST  
3 CONTENDS THAT YOU DO NOT HAVE A VALID CLAIM BASED IN PART  
4 UPON YOUR INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN  
5 AND OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID  
6 NOT GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL  
7 NOT IMPACT YOUR CLAIM AGAINST USACM TO THE EXTENT IT IS  
8 BASED IN PART UPON AN INVESTMENT IN A DIFFERENT LOAN.

9 PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
10 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
11 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
12 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP  
13 CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN  
14 HINDERAKER (520-629-4430).

15 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and  
16 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based in Part  
17 Upon Investment in the Charlevoix Homes Loan (with Certificate of Service) (the  
18 "Objection"). Your Proof of Claim number and other information regarding your claim is  
19 provided in **Exhibit A**, which is attached to the Objection. The USACM Liquidating  
20 Trust has requested that this Court enter an order, pursuant to section 502 of title 11 of the  
21 United States Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of  
22 Bankruptcy Procedure (the "Bankruptcy Rules"), disallowing your Proof of Claim to the  
23 extent it is based in part upon an investment in the Charlevoix Homes Loan. Nor will it  
24 affect your rights against the borrower and any collateral that secured your investment.  
25 The Objection will not impact your Claim against USACM to the extent it is based upon  
26 an investment in a different loan.

**NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on **September 23, 2010, at the hour of 10:30 a.m.**

**NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON  
SEPTEMBER 23, 2010, WILL BE HELD FOR THE PURPOSE OF STATUS  
CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO  
ARGUMENTS WILL BE HEARD ON THAT DATE.**

**NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 4, 2010.

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

Marvin Ruth, NV 10979

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Attorneys for the USACM Liquidating Trust

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

Copy of the foregoing mailed by first  
class postage prepaid U.S. Mail on  
August 4, 2010 to all parties listed on  
Exhibit A attached to the objection.

s/Renee L. Creswell  
LEWIS AND ROCA LLP